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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/312,028	05/14/1999	MARK J. BRITTO	003733.P001	2026

20995 7590 01/17/2007  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER
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FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3693

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/17/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/17/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

**Office Action Summary**

Application No.

09/312,028

Applicant(s)

BRITTO ET AL.

Examiner

Daniel S. Felten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/2/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1- rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Do you mean that risk management assessments are performed for the buyer, seller and the third party? If the third party is not directly associated with the transaction (as it says in claim 8), does this mean that the method provides risk management for third party or not?

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1, 31 rejected under 35 U.S.C. 102(e) as being anticipated by Rose et al

--receiving at a computer resource (10—payment system) accessible through the Internet (12), a payment request (129) from a first party (seller) to a two sided transaction (see Rose, col. 1, lines 66 to col. 2, lines 16; and fig.5, col. 8, lines 12-19), *as in claim 1*,

--performing risk management assessments for parties on each side of the transaction (see Rose, col. 6, lines 5-50), *as in claims 1 and 31*,

--declining said payment request if said risk management assessment produces an adverse indication (see Rose col. 9, lines 23 to col. 10, line 29) *as in claims 1 and 31*,

--processing said payment request for delivery of a payment associated therewith (see Rose, col. 11, lines 33-37), *as in claims 1 and 31*

--wherein said risk management assessment is performed on the basis of credit and authentication information derived at least in part from customer information received with said payment system, *as in claims 3*

--wherein said customer information comprises credit card account information, *as in claim 4*,

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--wherein said customer information comprises credit card account information, as in claim 5,

--wherein said customer information comprises bank account information, *as in claim 6*

--wherein said bank account information comprises checking account information, *as in claim 7,*

--wherein said risk management assessment is performed on the basis of credit information obtained at least in part from a third party that is not directly associated with the transaction, *as in claim 8,*

--wherein said third party is a credit card issuing agency or credit bureau, *as in claim 9,*

--wherein said third party is bank, *as in claim 10,*

--wherein said third party is an electronic check acceptance and or guarantee service provider, *as in claim 11*

--wherein said risk management assessment includes an automated component and a non-automated component., *as in claim 12,*

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--wherein said automated component of said risk management assessment relies, at least in part, on risk assessment scoring provided by a third party that is not directly associated with the transaction, *as in claim 13*,

--wherein said payment request includes customer information received in response to one or more solicitations therefor, *as in claim 14*,

--wherein said customer information includes buyer and seller information, *as in claim 15*,

--wherein said buyer and seller information includes e-mail addresses for one or more parties to said transaction, *as in claim 16*,

--wherein said one or more solicitations are presented as Web forms to be completed by at least one party to said transaction, *as in claim 17*,

--wherein said payment request includes credit and authentication information for said first party to said transaction, *as in claim 18*,

--wherein said credit and authentication information includes credit card account information and/or bank account information, *as in claim 19*,

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--wherein said credit and authentication information is received in response to one or more solicitations therefor, *as in claim 20*,

--wherein said solicitations are presented as Web forms for completion by said first party to said transaction, *as in claim 21*,

--wherein processing said payment request includes submitting a payment authorization request, upon receiving a settlement indication regarding said payment authorization request, transmitting said payment, *as in claim 22*,

--wherein said payment is transmitted as a check, *as in claim 23*

--wherein said payment is transmitted as a money order, *as in claim 24*,

--wherein said payment is transmitted as an instruction to have funds automatically deposited in an account, *as in claim 25*,

--wherein said account is identified by at least one of the parties to said transaction prior to said transaction, *as in claim 26*,

--wherein said account is identified as part of said payment request, *as in claim 27*,

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--wherein said payment authorization request is submitted to a check acceptance and/or guarantee service provider, *as in claim 28*,

--wherein said payment authorization request is submitted to a third party not directly associated with said transaction, *as in claim 29*,

--wherein said settlement indication comprises funds to satisfy said payment authorization request, *as in claim 30*,

--a user interface configured to receive, via the Internet, a payment request from a first party to a two-sided transaction; and a risk management assessment system configured to (1) perform a risk assessment of parties on each side of said transaction, and (2) decline said payment request if the risk assessment produces an adverse indication, or process said payment request for delivery of a payment associated therewith where no such adverse indication is produced.

--wherein said risk management assessment system is configured to perform said risk management assessment on the basis of credit and authentication information provided via said user interface, *as in claim 31*,

--wherein said credit and authentication information comprises credit card account information, *as in claim 33*,



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--wherein said credit information comprises bank account information., *as in claim 34*,

--wherein said bank account information comprises checking account information, *as in claim 35*,

--wherein said disk management assessment system is configured to utilize risk assessment scoring provided by a third party that is not directly associated with the transaction, *as in claim 36*,

--wherein said user interface is configured to solicit customer information from a party to said transaction, *as in claim 37*,

--wherein said customer information includes buyer and seller information, *as in claim 40*,

--wherein said buyer and seller information includes e-mail addresses for one or more parties to said transaction, *as in claim 39*,

--wherein one or more solicitations are presented by said user interface as Web forms to be completed by at least one party to said transaction, *as in claim 40*,

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--wherein said electronic transaction system is configured to process said payment request by submitting a payment authorization request and, upon receiving a settlement indication regarding said payment authorization request, transmitting said payment, *as in claim 41*,

--wherein said payment is transmitted as a check, *as in claim 42*,

--wherein said payment is transmitted as a money order, *as in claim 43*,

--wherein said payment is transmitted as an instruction to have funds automatically deposited in an account, *as in claim 44*,

--wherein the transaction comprises a sale from a seller to a buyer and wherein the risk management assessment system is configured to perform a risk assessment of the seller, *as in claim 45*

--wherein the risk management assessment system is configured to perform a risk assessment of the buyer, *as in claim 46*,

--wherein the first party is the seller, *as in claim 47*,

--wherein the first party is the buyer, *as in claim 48*,

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--wherein the sale is an auction sale, *as in claim 49*,

--wherein the transaction comprises a payment from a payer to a payee and wherein and wherein the risk management assessment system is configured to perform a risk assessment of the payee, *as in claim 50*,

--wherein the transaction comprises a payment from a payer to a payee and wherein the risk management assessment system is configured to perform a risk assessment of the payee.

--wherein the transaction comprises a sale from a seller to a buyer and wherein the risk management assessment is performed of the seller, *as in claim 51*

52. (New) A method as in claim 51 wherein the sale is an auction sale.

53. (New) A method as in claim 1 wherein the transaction comprises a payment from a payer to a payee and wherein the risk management assessment is performed of the payee.

54. (New) A method as in claim 53 wherein the first party is the payee.

55. (New) A method as in claim 53 wherein the first party is the payer.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742.

The examiner can normally be reached on Flex.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel S Felten  
Examiner  
Art Unit 3693

DSF  
8/4/2006